

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)
)
PLAINTIFF,) NO. CR-11-00683 DLJ
)
VERSUS) STATUS CONFERENCE
)
CHRISTOPHER DOYON, AND) FEBRUARY 2, 2012
JOSHUA JOHN COVELLI,)
) PAGES 1 - 8
DEFENDANTS.)
_____)

TRANSCRIPT OF PROCEEDINGS
BEFORE THE HONORABLE D. LOWELL JENSEN
UNITED STATES DISTRICT JUDGE

A-P-P-E-A-R-A-N-C-E-S:

FOR THE PLAINTIFF: U.S. ATTORNEY'S OFFICE
BY: MATTHEW A. PARRELLA
150 ALMADEN BLVD., STE 900
SAN JOSE, CA 95113

FOR THE DEFENDANT: ATTORNEY AT LAW
BY: JASON SCOTT LEIDERMAN
5740 RALSTON ST., STE 300
VENTURA, CA 93003

(APPEARANCES CONTINUED ON NEXT PAGE)

COURT REPORTER: GEORGINA GALVAN COLIN, CSR
LICENSE NO. 10723

APPEARANCES CONTINUED:

FOR DEFENDANT COVELLI: NOLAN, ARMSTRONG & BARTON
BY: THOMAS J. NOLAN, JR.
600 UNIVERSITY AVENUE
PALO ALTO, CA 94301

SAN JOSE, CALIFORNIA

FEBRUARY 2, 2012

P-R-O-C-E-E-D-I-N-G-S

(WHEREUPON, COURT CONVENED AND THE
FOLLOWING PROCEEDINGS WERE HAD:)

THE CLERK: 11-00683, CHRISTOPHER DOYON
AND JOSHUA COVELLI ON FOR STATUS.

MR. PARRELLA: MATT PARRELLA FOR THE
GOVERNMENT. GOOD MORNING, YOUR HONOR.

MR. LEIDERMAN: GOOD MORNING, YOUR HONOR.
JASON LEIDERMAN FOR MR. DOYON.

IT SEEMS MR. NOLAN AND MR. COVELLI HAVE
STEPPED OUT A MOMENT.

MR. PARRELLA: MR. COVELLI IS A DEFENDANT
ON THE PRIOR INDICTMENT, AND ON THIS INDICTMENT.
AND MR. NOLAN REPRESENTS HIM ON BOTH MATTERS.

AND SO -- I'VE SPOKE TO MR. NOLAN ABOUT
THAT, AND HE SAID HE WOULD BE IN.

BUT, WE CAN ADDRESS ONE THING WITHOUT
MR. NOLAN. AND THAT IS WHETHER MR. LEIDERMAN KNOWS
WHERE HIS CLIENT IS? AND WHETHER HE'S -- HE IS NOT
SUBJECT TO A WAIVER.

(COUNSEL RETURNS TO COURTROOM.)

MR. NOLAN: MY APOLOGIES, JUDGE. I
FORGOT THAT THEY WERE SEPARATED.

TOM NOLAN APPEARING ON BEHALF OF

1 MR. COVELLI, WHO IS PRESENT IN THE COURTHOUSE. AND
2 WAS PRESENT PRIOR.

3 THE COURT: OKAY. THANK YOU.

4 MR. NOLAN: THANK YOU, YOUR HONOR.

5 MR. PARRELLA: THANK YOU, YOUR HONOR.

6 SO RETURNING TO MR. DOYON, HIS APPEARANCE
7 HAS NOT BEEN WAIVED. HE IS NOT PRESENT HERE.

8 AND SO I'M INQUIRING AS TO WHETHER
9 THERE'S A REASON FOR THAT.

10 MR. LEIDERMAN: I, I --

11 THE COURT: WELL, WHAT WE'LL DO IS ISSUE
12 A BENCH WARRANT FOR HIM, BUT HOLD IT TO A DATE,
13 I'LL SET A DATE AND GIVE YOU AN OPPORTUNITY TO GET
14 HIM HERE.

15 BUT WE'LL ISSUE A BENCH WARRANT NOW AND
16 HOLD UNTIL THAT HAPPENS.

17 MR. PARRELLA: SO I WOULD ASK THAT THAT
18 DATE, BECAUSE MR. DOYON IS LOCAL -- WELL, AT LEAST
19 WE WERE UNDER THE IMPRESSION HE WAS, WAS IN THE
20 SANTA CRUZ AREA, AS OPPOSED TO IN ANOTHER STATE --
21 I WOULD ASK THAT PERHAPS FOR MONDAY, HOLD THE
22 WARRANT UNTIL THEN.

23 THE COURT: WE CAN PUT IT OVER A WEEK.

24 MR. NOLAN: COULD MY CLIENT'S APPEARANCE
25 BE WAIVED?

1 THE COURT: YOUR CLIENT DOES NOT HAVE TO
2 BE HERE.

3 MR. NOLAN: OKAY.

4 THE COURT: WE'LL SET ANOTHER DATE FOR A
5 STATUS CONFERENCE. AND WE'LL SET THAT UP.

6 BUT, WE'RE TALKING ABOUT MR. DOYON,
7 SEPARATELY FOR THAT.

8 MR. LEIDERMAN: AND WAS THE DATE THE
9 COURT HAD IN MIND THEN THE 9TH?

10 THE CLERK: THE 9TH.

11 MR. LEIDERMAN: IT'S NOT A DATE THAT I'M
12 AVAILABLE, BUT I'LL DO MY BEST TO GET SOMEONE HERE.

13 MR. NOLAN: YOUR HONOR, IN REGARDS TO
14 MR. COVELLI'S MATTER, COULD THAT GO OVER ALSO TO
15 THE 3RD OF MAY?

16 AND CAN THE DISCOVERY BE REFERRED TO
17 JUDGE GREWAL BECAUSE THERE WILL BE DUPLICATION AND
18 SIMILARITIES OF ISSUES.

19 MR. PARRELLA: YES.

20 THE COURT: I THINK THAT MAKES SENSE.

21 SO WE'LL MAKE THAT ORDER AS FAR AS
22 MR. COVELLI'S CASE IS CONCERNED. AND WE'LL
23 CONTINUE HIS CASE TO MAY 3RD, UNDER THE SAME TERMS
24 AND CONDITIONS AS THE FORMER CASE.

25 THEY'RE TO GO FOR DISCOVERY PURPOSES TO

1 JUDGE GREWAL.

2 MR. NOLAN: RIGHT.

3 THE COURT: AND, IN THIS CASE, WE'LL MAKE
4 THE FINDING THAT IN THE INTEREST OF JUSTICE, FOR
5 CONTINUITY OF COUNSEL AND EFFECTIVENESS OF
6 REPRESENTATION IT WILL BE EXCLUDABLE TIME UNTIL MAY
7 3RD ON THE CASE OF MR. COVELLI.

8 NOW, THEN AS FAR AS MR. DOYON IS
9 CONCERNED, IT DOESN'T HAVE TO BE NEXT WEEK. WE
10 WANT TO JUST GET THIS RESOLVED IN TERMS OF WHERE HE
11 IS. BECAUSE THE EXPECTATION IS ONCE WE FIND OUT
12 WHERE HE IS, THEN WE'LL PUT HIM ONTO THE SAME
13 TRACK.

14 SO, AS I SAY, WE'LL HOLD THE BENCH
15 WARRANT, AND SET IT FOR THE 16TH THEN.

16 MR. PARRELLA: FEBRUARY 16TH?

17 THE COURT: WELL, LET'S SEE, WHAT IS
18 IT -- TWO WEEKS?

19 THE CLERK: TWO WEEKS IS THE 16TH.

20 MR. LEIDERMAN: IF I COULD JUST HAVE ONE
21 MOMENT, YOUR HONOR.

22 AGAIN, IT IS A DAY I'M ENGAGED DOWN IN
23 VAN NUYS, BUT I WILL TRY TO GET -- NO, I WON'T TRY,
24 I WILL GET SOMEONE HERE TO COVER IT THEN.

25 THE COURT: OKAY. WE'LL HAVE TO DO THAT

1 THEN BECAUSE WE HAVE TO KEEP THAT MOVING AND SEE
2 WHERE WE ARE.

3 SO WE'RE CONTINUING THE CASE OF MR. DOYON
4 TO FEBRUARY 16 AT 9 O'CLOCK.

5 AND, AS I SAY, THERE'S A BENCH WARRANT
6 FOR HIS APPEARANCE, BUT WE'LL HOLD IT UNTIL THAT
7 TIME. OKAY.

8 MR. LEIDERMAN: THANK YOU VERY MUCH, YOUR
9 HONOR.

10 MR. PARRELLA: THANK YOU, YOUR HONOR.

11 (WHEREUPON, PROCEEDINGS WERE CONCLUDED.)
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CERTIFICATE OF REPORTER

I, GEORGINA GALVAN COLIN, PRO TEM COURT
REPORTER FOR THE UNITED STATES DISTRICT COURT FOR
THE NORTHERN DISTRICT OF CALIFORNIA, 280 SOUTH
FIRST STREET, SAN JOSE, CALIFORNIA, DO HEREBY
CERTIFY:

THAT THE FOREGOING TRANSCRIPT IS A FULL,
TRUE AND CORRECT TRANSCRIPT OF THE PROCEEDING HAD
IN USA VS. CHRISTOPHER DOYON & JOSHUA JOHN COVELLI,
CASE NUMBER CR-11-00683 DLJ, DATED FEBRUARY 2,
2012, THAT I REPORTED THE SAME IN STENOGRAPHY TO THE
BEST OF MY ABILITY, AND THEREAFTER HAD THE SAME
TRANSCRIBED BY COMPUTER-AIDED TRANSCRIPTION AS
HEREIN APPEARS.

/S/

GEORGINA GALVAN COLIN, CSR
LICENSE NUMBER 10723